

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE EUROPEAN COMMUNITY, acting
on its own behalf and of the Member States
it has power to represent,

Index No.: 00 CV 6617
(NGG)(VVP)

Plaintiff,

-against-

RJR NABISCO, INC., et al.,

Defendants.

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DEPARTMENT OF AMAZONAS, et al.,

Plaintiffs,

-against-

PHILIP MORRIS COMPANIES, INC., et al.

Defendants.

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**AFFIDAVIT IN SUPPORT OF MOTION FOR ORDER
APPOINTING INTERNATIONAL PROCESS SERVER**

JOHN J. HALLORAN, JR., being duly sworn, deposes and says as follows:

1 I am co-counsel for the plaintiff, THE EUROPEAN COMMUNITY and,
as such, I am fully familiar with the facts and circumstances of this action.

2. Counsel to plaintiff has retained Crowe Foreign Services to accomplish
service of process on defendant JAPAN TOBACCO in Japan pursuant to the Convention

on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, commonly referred to as the Hague Service Convention.

3 This affidavit is submitted in support of Plaintiff's motion for an order appointing Crowe Foreign Services of Portland, Oregon as agent to serve process on defendant JAPAN TOBACCO in Japan pursuant to the Hague Service Convention.

4. Counsel to plaintiff has been informed by Celeste Ingalls, Director of Operations for Crowe Foreign Services, that execution of the proposed order is required before the Central Authority of Japan (the official Japanese entity that processes and serves documents pursuant to the Hague Service Convention) will undertake to complete service on JAPAN TOBACCO.

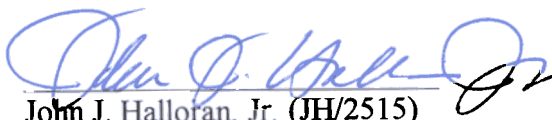
5 In this regard, Ms. Ingalls affirms that:

"The Director of the Second Division, Civil Affairs Bureau of the Supreme Court of Tokyo has declared that...Japan will only process a request for service of documents if the request emanates from a judicial authority....It has been our consistent experience that the Central Authority in Japan will not accept requests for service of judicial documents...unless the request is accompanied by the court's order appointing that someone (Crowe Foreign Services) as the international process server competent and authorized to request service in a specific case...."

See Affidavit of Celeste Ingalls at Exhibit A.

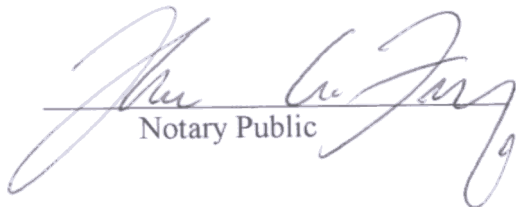
WHEREFORE, for the foregoing reasons it is respectfully requested that the Court execute the proposed "Order Appointing International Process Server" filed herewith.

Dated: New York, New York
January 26, 2001



John J. Halloran, Jr. (JH/2515)
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Attorneys for Plaintiff

Sworn to before me this 26th day
of January, 2001.


Notary Public

THOMAS A. FRIZZELL
Notary Public, State of New York
No. 02FR6046472
Qualified In New York County
Commission Expires August 14, 2002